

# Exhibit 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
IN RE: : 03-MD-1570  
:  
TERRORIST ATTACKS ON SEPTEMBER 11, 2001 : 500 Pearl Street  
: New York, New York  
:  
: July 13, 2011  
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TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE  
BEFORE THE HONORABLE FRANK MAAS  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Federal Insurance: SEAN P. CARTER, ESQ.

For Dubai Islamic Bank: STEVEN COTTREAU, ESQ.

For Havlish: TIM FLEMING, ESQ.

For Plaintiffs: JAMES KREINDLER, ESQ.  
ROBERT T. HAEFELE, ESQ.  
TIM FLEMING, ESQ.

For Defendants: MARTIN F. McMAHON, ESQ.  
ALAN KABAT, ESQ.

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1 custody or control and control extends to agents and every time  
2 that the plaintiffs or the Court say well a particular item is  
3 inadequate then somebody attempts to find that. And certainly  
4 not the only defendant where we've had this issue. There's not  
5 a comprehensive approach. And if, for example, there is not  
6 enough money to get you to Saudi Arabia without passing the  
7 collection cup, that bodes poorly for the ability to send  
8 somebody, Mr. Al Radhi or somebody else, to look through the  
9 records of, at a minimum, the Indonesian branch. Or even if  
10 somebody doesn't go from Saudi Arabia to Indonesia for somebody  
11 in Indonesia who's his counterpart to be looking for records,  
12 putting aside the fact that I gather there were numerous  
13 branches of these organizations.

14           So what's needed here is not chasing after particular  
15 items highlighted by Mr. Carter today or on prior occasions.  
16 What's needed is recognition of the fact that there are  
17 language and cultural problems and perhaps financial problems,  
18 but that if MWL and IIRO don't want dispositive discovery  
19 sanctions against them, they need to get their act together.

20           MR. McMAHON: I understand, Your Honor. Let me  
21 address the Indonesian office. I believe Mr. Carter misspoke  
22 about Samir Al Radhi. My understanding was that he did visit  
23 the Indonesian office. In fact, we provided counsel -- we sent  
24 an auditor out there to go through all the records in the  
25 Indonesian office and we produced that auditor's report to Mr.

1 Carter.

2 THE COURT: But they didn't want the auditor's  
3 report, they want the underlying documents.

4 MR. McMAHON: Oh no, I know, Your Honor. But I  
5 thought if he looked at that report and got back to me and said  
6 Martin, this is what we need that's referenced in the auditor's  
7 report we could narrow down the scope of the work entailed  
8 because going to Indonesia is not a walk in the park.

9 MR. CARTER: Your Honor, if I may? It's almost the  
10 perfect example.

11 THE COURT: Yes, Mr. Carter.

12 MR. CARTER: It's almost the perfect example. When  
13 we spoke to Mr. Radhi he referenced the auditor's reports and  
14 we essentially asked him well, wouldn't auditors have been  
15 required to review some financial records in order to develop  
16 these reports and he said of course. There have been a lot of  
17 financial records and of course those were subject to Your  
18 Honor's order. And what we have is auditor's report. When we  
19 brought up the subject of Mr. Mujil, the response was well you  
20 have an affidavit from him in which he denies that he did any  
21 of this and if you want anything else, you know, I guess I  
22 could call Mr. Mujil. And we said of course no, we want the  
23 documents that are within the custody of the IIRO concerning  
24 the activities he carried out as an employee. So it's --

25 MR. McMAHON: Part of the problem, Your Honor, is